IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 17977 of 2004

Between:

The State of Andhra Pradesh, rep by Mandal Revenue Officer,

Secunderabad Mandal, Hyderabad District.

..... PETITIONER

AND

1 M/s. Boruka Steels Limited, R/o. H.No. 1-8-27, Minister Road,

Secunderabad.
2 Smt. Akthar Begum, W/o. Mohd.Naimuddin,
R/o. H.No. 1-8-299, Penderghast Road, Secunderabad.
3 Mohd. Ashfaq, W/o. Mohd.Naimuddin,
R/o. H.No. 1-8-299/4, Penderghast Road, Secunderabad.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or direction more particularly one in the nature of writ of certiorari calling for the records from the Hon'ble Special Court under A.P. Land Grabbing (Protection) Act, Hyderabad pertaining to I.A. 544/2001 in LGA SR No. 1646/2001 and quash the orders in I.A. 544/2001 in LGA SR No. 1646/2001 dated 11-2-2002 as the same as illegal, arbitrary and in violation of principles of natural justice and consequently direct the Hon'ble Special court to condone the delay in filing the appeal and take up the appeal for hearing and pass

Counsel for the Petitioner: GP FOR ASSIGNMENT

Counsel for the Respondents: NOT PRESENT

The Court made the following:

O R D E R: (Per Hon'ble Sri Justice B.Sudershan Reddy)

The State of Andhra Pradesh represented by the Mandal Revenue Officer, Secunderabad invokes extraordinary jurisdiction of this Court under Article 226 of Constitution of India challenging the Order passed by the Special Court under A.P.Land Grabbing (Prohibition) Act made in I.A.No.544 of 2001 in LGSR No.1646 of 2001. The relief sought for is to quash the said order and condone the delay of 1559 days in filing the appeal against the judgment rendered in L.G.O.P.No.844 of 1989 dated 06.02.1997.

The question that calls for our consideration is whether the Special Court committed any error apparent on the face of the record in rejecting the application filed by the petitioner herein purporting it to be under Section 3 and Section 7-A of A.P. Land Grabbing (Prohibition) Act, 1982.

The Special Court rendered judgment in LGOP.No.844 of 1989 on 06.02.1997 rejecting the petition filed by the petitioner herein under the provisions of the Special Act. According to the averments made in the affidavit filed in support of the application in the Special Court when the judgment of the Special Court was delivered the land was in Secunderabad Mandal. The Secunderabad mandal was bifurcated on 27.12.1996 and as a result of bifurcation the land continued to remain in Secunderabad mandal. However, the records relating to the land were sent by mistake to Ameerpet Mandal and the said mistake was realized only when the respondents applied for grant of No-Objection Certification for obtaining permission

for construction of building in the land during the month of July, 2001. The Mandal Revenue Officer, Ameerpet Mandal in the third week of June, 2001 informed the Mandal Revenue Officer, Secunderabad Mandal that the records pertaining to LGOP No.844 of 1989 were traced and thereafter steps have been taken for obtaining certified copies of the judgment and decree in LGOP No.844 of 1989 and the same were sent to the office of the M.R.O. Secunderabad on 29.06.2001. Steps were immediately taken to file appeal challenging the correctness of the Order made in LGOP No.844 of 1989. It is all what is stated in the affidavit filed in support of the application.

Learned Special Court, after elaborate consideration, found that no sufficient cause is shown to condone the inordinate delay of 1559 days in presenting the appeal. The Special Court having regard to the contention that on account of the division of the Secunderabad Mandal into four mandals, the file relating to the case was sent to Ammerpet Mandal held that in the explanation obvioiusly is unacceptable for the reason that the Secunderabad division was divided into four mandals on 27.12.1996, whereas the judgment in LGOP No.844 of 1986 dated 6.2.1997 and there is no reason as to why the file relating to the property which continued to be in Secunderabad mandal with reference to which the application was filed before the Special Tribunal should be sent to Ameerpet mandal. This reasoning of the Special Court in our considered opinion does not suffer from any infirmity whatsoever. It is not as if after bifurcation of Secunderabad division/mandal the land had fallen within the jurisdiction of Ameerpet mandal. The land always remained within the jurisdiction of the Secunderabad mandal. Therefore, the bifurcation of Secunderabad mandal into various other mandals is of no consequence. The Special Court also noticed that in the affidavit filed by the respondents herein before the District Collector on